

EXHIBIT E

Barkat G. Ali - January 5, 2021

1	IN THE UNITED STATES DISTRICT COURT	I N D E X	3
2	NORTHERN DISTRICT OF TEXAS		
3	DALLAS DIVISION		
4	HARRISON COMPANY LLC,)	1 WITNESS	PAGE
)	3 BARKAT G. ALI	7
5	Plaintiff,)	4 EXAMINATION BY MR. UNIS	
)	5	
6	VS.) NO. 3:19-CV-1057-B	CORRECTIONS MADE BY WITNESS	177
)	6	
7	A-Z WHOLESALERS INC. and)	SIGNATURE OF WITNESS	178
	BARKAT G. ALI,)	7	
8)	REPORTER'S CERTIFICATION	179
	Defendants.)	8	
9		9 EXHIBITS	IDENTIFIED
10		10 Exhibit 2 - Harrison Credit Application	52
11	ORAL AND VIDEOTAPED DEPOSITION OF	11 Exhibit 3 - Harrison Company, LLC Terms	
12	BARKAT G. ALI	and Conditions	58
13	JANUARY 5, 2021	12	
14	(Reported Remotely)	Exhibit 7 - Defendant Barkat G. Ali's	
15		Responses and Objections to	
16	ORAL AND VIDEOTAPED DEPOSITION of BARKAT	Plaintiff's First Set of	
17	G. ALI, produced as a witness at the instance of the	Discovery Requests	91
18	Plaintiffs, and duly sworn, was taken in the	15 Exhibit 9 - Defendant Barkat Ali's Response	
19	above-styled and numbered cause on the 5th of January,	to Plaintiff's Second Set of	
20	2021, from 10:59 a.m. to 5:07 p.m., before Audra B.	Discovery Requests	
21	Paty, CSR in and for the State of Texas, reported by	17 Exhibit 10 - 9-10-18 Baquet letter to A-Z	101
22	machine shorthand, at 616 Clariden Ranch Road, in the	Wholesalers and A. Ali and B.	
23	City of Southlake, County of Tarrant, State of Texas,	18 Ali	108
24	pursuant to Notice and the Federal Rules of Civil	19 Exhibit 13 - 4-10-14 Baquet e-mail to Baquet	119
25	Procedure.	20 Exhibit 15 - Declaration of Barkat G. Ali	119
		21 Exhibit 16 - Declaration of Amar B. Ali	XX
		22 Exhibit 17 - E-mail string top e-mail 11-24-14	
		Barkat e-mail Albritton	131
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1	A P P E A R A N C E S	2	4
2	FOR THE PLAINTIFF:	1 EXHIBITS	IDENTIFIED
3	Mr. Joseph Anthony Unis, Jr.	2 Exhibit 19 - E-mail string top e-mail 2-27-15	
4	Mr. David L. Swanson	A. Ali e-mail to B. Ali 135	
5	Ms. Anna K. Finger	3 Exhibit 20 - E-mail string top e-mail 3-5-15	
6	LOCKE LORD LLP	4 Albritton e-mail to Barkat and Ali 138	
7	2200 Ross Avenue	5 Exhibit 23 - E-mail string top e-mail	
8	Suite 2800	3-26-15 Albritton e-mail to Barkat 139	
9	Dallas, Texas 75201	6 Exhibit 29 - 10-30-15 Prendergrast to A. Ali 142	
10	214.740.8000	7 Exhibit 34 - Declaration of Sandy Zazulak 152	
11	juniis@lockelord.com	8 Exhibit 35 - Spreadsheet 158	
12	dswanson@lockelord.com	9 Exhibit 38 - Defendant's First Amended Answer	
13	anna.k.finger@lockelord.com	to Plaintiff's Original Complaint 159	
14	ALSO PRESENT:	10	
15	Mr. Amar Ali	11	
16	Mr. Guy Tubbs, Videographer	12	
17		13	
18		14	
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<p style="text-align: center;">5</p> <p>1 PROCEEDINGS</p> <p>2 THE VIDEOGRAPHER: Going on the record at</p> <p>3 10:59 a.m. Today is Tuesday, January 5th, 2021. This</p> <p>4 is the beginning of tape number 1, volume 1. We are</p> <p>5 here for the deposition of Barkat G. Ali in the case</p> <p>6 styled Harrison Company, LLC versus A-Z Wholesalers,</p> <p>7 Inc., et al. This deposition is taking place at 616</p> <p>8 Clariden Ranch Road, Southlake, Texas 76092.</p> <p>9 The court reporter is Audra Paty. We are</p> <p>10 with Dickman Davenport, 4228 North Central Expressway,</p> <p>11 Suite 101, Dallas, Texas 75206.</p> <p>12 Will counsel and all those present please</p> <p>13 state their appearance for the record after which the</p> <p>14 court reporter will read a brief statement and then</p> <p>15 swear in the witness.</p> <p>16 MR. UNIS: Joe Unis for plaintiff</p> <p>17 Harrison Company, LLC here at Locke Lord in Dallas,</p> <p>18 Texas, 2200 Ross Avenue.</p> <p>19 MS. LINDAUER: Joyce Lindauer for A-Z</p> <p>20 Wholesalers, Inc. and Barkat G. Ali. Oh, and I'm</p> <p>21 sorry. 1412 Main Street, Suite 500, Dallas, Texas</p> <p>22 75202.</p> <p>23 THE REPORTER: I'm going to make a</p> <p>24 statement on the record and then I'll swear the</p> <p>25 witness in.</p>	<p style="text-align: center;">7</p> <p>1 Rules. That's fine.</p> <p>2 BARKAT G. ALI,</p> <p>3 having been first duly sworn, testified as follows:</p> <p>4 EXAMINATION</p> <p>5 BY MR. UNIS:</p> <p>6 Q. Good morning, Mr. Ali. Could you please</p> <p>7 state your full name for the record?</p> <p>8 A. Barkat Ali.</p> <p>9 Q. Do you have a middle name or a middle</p> <p>10 initial?</p> <p>11 A. It's Ghulam.</p> <p>12 Q. And what does the G stand for?</p> <p>13 A. Ghulam.</p> <p>14 Q. Could you spell that for the court reporter,</p> <p>15 please?</p> <p>16 A. G-H-U-L-A-M.</p> <p>17 Q. Mr. Ali, you understand that you're under</p> <p>18 oath this morning, correct?</p> <p>19 A. Yes.</p> <p>20 Q. The testimony you give today is just like at</p> <p>21 trial?</p> <p>22 A. Yes.</p> <p>23 Q. You and I other than maybe passing at the</p> <p>24 courthouse, we have never met before, have we?</p> <p>25 A. I really don't remember.</p>
<p style="text-align: center;">6</p> <p>1 MR. SWANSON: This is David Swanson. I'm</p> <p>2 a partner of Joe Unis and also counsel for plaintiff</p> <p>3 Harrison.</p> <p>4 MS. FINGER: And this is Anna Finger.</p> <p>5 I'm also counsel for plaintiff Harrison at Locke Lord.</p> <p>6 THE REPORTER: My name is Audra Paty,</p> <p>7 Texas Certified Shorthand Reporter Number 5987. This</p> <p>8 deposition is being conducted remotely in accordance</p> <p>9 with the current Emergency Order regarding the</p> <p>10 COVID-19 State of Disaster issued and signed by the</p> <p>11 Supreme Court of Texas. The deposition is being held</p> <p>12 via videoconferencing equipment. The witness and the</p> <p>13 reporter are not in the same room. The witness will</p> <p>14 be sworn in remotely pursuant to agreement of all</p> <p>15 parties.</p> <p>16 The parties will stipulate that the</p> <p>17 testimony is being given as if the witness was sworn</p> <p>18 in person.</p> <p>19 All parties please state your agreement</p> <p>20 on the record at this time.</p> <p>21 MR. UNIS: By the Rules.</p> <p>22 THE REPORTER: Sorry?</p> <p>23 MR. UNIS: By the Rules.</p> <p>24 THE REPORTER: Okay.</p> <p>25 MS. LINDAUER: And we would agree by the</p>	<p style="text-align: center;">8</p> <p>1 Q. You don't believe you have ever met me</p> <p>2 before?</p> <p>3 A. I don't think so.</p> <p>4 Q. So far we're doing a pretty good job. Can we</p> <p>5 agree to try to not cut each other off during this</p> <p>6 deposition. I'll let you complete an answer and</p> <p>7 you'll try to let me complete my question before you</p> <p>8 start responding?</p> <p>9 A. Yes.</p> <p>10 Q. Thank you. You're also doing a good job of</p> <p>11 giving verbal responses and speaking clearly. If you</p> <p>12 could continue to try to do that throughout the</p> <p>13 deposition. The court reporter can't record head nods</p> <p>14 or head shakes. So will you agree to give yes and no</p> <p>15 answers where appropriate, please?</p> <p>16 A. I will try to do my best.</p> <p>17 Q. That's all we can ask. Thank you, sir. And,</p> <p>18 Mr. Ali, I know your son is in the room and he is also</p> <p>19 Mr. Ali. So I just want to go ahead and issue this</p> <p>20 disclaimer. If at any point I refer to you as Barkat</p> <p>21 or your son as Amar, please understand I don't mean</p> <p>22 any disrespect by the informality. I'm just trying to</p> <p>23 keep the players straight in this lawsuit. Is that</p> <p>24 understood?</p> <p>25 A. That's fine.</p>

1 Q. Did you meet him before signing this 2 document? 3 A. I don't remember. 4 Q. What do you remember about your meetings with 5 Mr. Thomas? 6 A. I don't remember. 7 Q. You don't remember anything about any meeting 8 you had with Mr. Thomas? 9 A. No. 10 Q. That's a no? 11 A. No. 12 Q. Do you know who Mr. Thomas is? 13 A. I think I remember vaguely. 14 Q. What do you remember about Mr. Thomas? 15 A. I just remember the man met me twice, I 16 think. 17 Q. Were those meetings in person? 18 A. Yes. 19 Q. Do you recall where those meetings occurred? 20 A. I don't recall when it occurred. 21 Q. Where geographically? 22 A. I think it was at A-Z. 23 Q. In Dallas? 24 A. Yes. 25 Q. Do you recall any meeting outside of Dallas	57 1 Q. Is that a yes, sir? I'm sorry. 2 A. Yes. 3 Q. Do you have any reason to dispute that this 4 is a true and accurate copy of that credit agreement 5 between Harrison and A-Z? 6 A. Between Harrison and A-Z, yes. 7 Q. So you agree, sir, this is a true and 8 accurate copy of that agreement, correct? 9 A. Yes. 10 Q. And about three quarters of the way down the 11 page in the right column, that's your signature as 12 president on behalf of A-Z Wholesalers, Inc., correct? 13 A. Yes. 14 Q. And then below that you sign in your 15 individual capacity as guarantor under this agreement, 16 correct? 17 A. Yes. To Harrison, yes. 18 Q. Sir, to your knowledge, this agreement, 19 Exhibit 3, was never amended or modified was it? 20 A. No. 21 Q. A-Z ordered product from Harrison under this 22 agreement, didn't it, sir? 23 A. Yes. 24 Q. And Harrison delivered product to A-Z under 25 this agreement, correct?
58 1 with Mr. Harrison? 2 A. No. 3 Q. Did you have any communications with 4 Mr. Harris either telephonically or by e-mail? 5 MR. AMAR ALI: Do you mean Mr. Thomas? 6 Q. (BY MR. UNIS) Mr. Thomas. I'm sorry. 7 A. No. 8 Q. So the only interaction you had with 9 Mr. Thomas was those two meetings at A-Z that you 10 recall? 11 A. Yes. 12 Q. I'm now showing you what's been marked as 13 Exhibit 3 to your deposition. 14 (Exhibit No. 3 marked.) 15 Q. (BY MR. UNIS) Do you see that, sir? 16 A. Yes. 17 Q. Do you recognize this document? 18 A. Yes, that is the company LLC. 19 Q. Can you tell me what this document is? 20 A. It talks about terms and conditions. 21 Q. Is this your credit agreement or A-Z's credit 22 agreement with Harrison Company? 23 A. Yeah. 24 Q. Is that a yes? 25 A. Yeah.	60 1 A. Yes. 2 Q. And it delivered that product to the Dallas 3 warehouse for A-Z, right? 4 A. Yeah, I don't know that. 5 Q. Where did it deliver the product, sir? 6 A. I don't know that. 7 Q. You just told me that Harrison delivered 8 product, but you have no idea where it delivered that 9 product to? 10 A. No. 11 Q. Who would know? 12 A. Amar would know because Amar was running the 13 place day one. 14 Q. So you know that Harrison delivered product, 15 but only Amar would know where that product was 16 delivered to; is that correct? 17 A. Yes. 18 Q. Do you have any reason to believe that 19 Harrison did not deliver product to the Dallas 20 warehouse owned by -- or to A-Z's Dallas warehouse? 21 A. I don't know. 22 Q. You have no reason to dispute that, do you, 23 sir? 24 A. Well, I don't know whether it was delivered 25 or not. As I said, Amar should know that. I mean,

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<p style="text-align: right;">85</p> <p>1 Q. You know nothing about the relationship, 2 correct? 3 A. No. 4 Q. How did you first learn of Imperial? 5 A. I don't remember. I think three years back 6 when Brad came. I don't know. 7 Q. So you had never heard of Imperial until you 8 met with Mr. Prendergrast three years ago? 9 A. Well, I start remembering when I was signing 10 checks to Imperial. So that's all. I did Harrison 11 and then Imperial. 12 Q. Okay. So you first learned of Imperial when 13 someone put a check in front of you to sign that was 14 addressed to Imperial; is that right? 15 A. Yes. 16 Q. And did you ask why is this check addressed 17 to Imperial at that time? 18 A. No, I don't ask. 19 Q. You just signed it? 20 A. I signed it. 21 Q. So it didn't matter to you who the check was 22 addressed to, did it? 23 A. No. 24 Q. Do you know anything about A-Z's account 25 numbers with Harrison?</p>	<p style="text-align: right;">87</p> <p>1 Q. Other than the fact that you were addressing 2 checks to Imperial, what do you know about Imperial? 3 A. Nothing. I don't know. All I was signing 4 checks. 5 Q. You never placed an order yourself with 6 Imperial, did you? 7 A. Repeat the question. 8 Q. You personally never placed any order with 9 Imperial, correct? 10 A. No. 11 Q. And you never spoke with anyone at Imperial, 12 did you, sir? 13 A. No. 14 Q. Do you even know where Imperial is located? 15 A. No. 16 Q. I believe you testified earlier once you sent 17 a check off, you have no idea how it was applied, 18 correct? 19 A. Correct. 20 Q. Doesn't matter if you made it payable to 21 Harrison or if you made it payable to Imperial, you 22 don't know what happened to that check, right? 23 A. No. 24 Q. And you don't know who reported those sales 25 on their taxes?</p>
<p style="text-align: right;">86</p> <p>1 A. No, I don't know. 2 Q. Do you know if those account numbers ever 3 changed? 4 A. I don't know really. 5 Q. So you don't know if the account numbers ever 6 changed? 7 A. I don't know. 8 Q. So you wouldn't know if they changed why they 9 changed, would you, sir? 10 A. I don't know. 11 Q. And I asked you earlier about Harrison's 12 internal operations. You said you had no knowledge of 13 those operations, right? 14 A. Yeah, I don't know. 15 Q. And so you don't know anything about 16 Imperial's operations either, do you, sir? 17 A. No. 18 Q. You don't know anything about its accounting 19 procedures, correct? 20 A. No. 21 Q. Nothing about its employees, correct? 22 A. No. 23 Q. And nothing about its relationship with 24 Harrison, right? 25 A. No.</p>	<p style="text-align: right;">88</p> <p>1 A. No. 2 Q. Because you have no personal knowledge of 3 Harrison or Imperial's internal accounting practices, 4 correct, sir? 5 A. I don't need to know. 6 Q. I didn't ask you if you need to know. I 7 asked if you do know. 8 A. No. 9 Q. What do you know about A-Z's payment terms 10 with Harrison, sir? 11 A. I don't know. 12 Q. You know nothing about the payment terms? 13 A. No. 14 Q. Okay. And you testified earlier you 15 believed you were -- or you believed A-Z at some point 16 started purchasing from Imperial, correct? 17 A. I can recognize only with the checks, when I 18 was signing the checks. 19 Q. Okay. So you know nothing about any alleged 20 payments terms between A-Z and Imperial, do you, sir? 21 A. No. 22 Q. How much do you believe A-Z owes Imperial? 23 A. I don't know. 24 Q. Do you believe that A-Z owes Imperial money? 25 A. I don't know.</p>

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<p>1 for you and point you to the documents. 2 MR. UNIS: I appreciate that. He's a 3 fact witness so I just need to go through it with him. 4 MS. LINDAUER: No, I'm just saying you've 5 asked the wrong person all along the wrong questions. 6 I mean, his involvement was very minimal. I think 7 he's told you that, but that's okay. I mean, we've 8 sat here for several hours letting you ask the 9 question. So I understand why you're going through 10 the defenses, but you're going to get to depose Amar 11 and when you ask Amar, he'll give you the answers to 12 these questions. 13 MR. UNIS: I just want to avoid any 14 surprises down the road so I got to do it. 15 MS. LINDAUER: Trust me, there's not 16 going to be any surprises. You know what our position 17 is. Very simple. 18 MR. UNIS: As much as I would like to 19 trust you, I got three more affirmative defenses I 20 would like to ask him about. 21 MS. LINDAUER: No, I understand. 22 Q. (BY MR. UNIS) Paragraph 42, Mr. Ali, are you 23 with me there? 24 A. Yes, I'm listening. 25 Q. Defendants are not liable to plaintiff</p>	<p>173</p> <p>1 Q. And do you know what is meant by defendants 2 management discretion, what that's referring to? 3 A. I don't know. 4 MR. UNIS: Mr. Ali, I think I may be at 5 the end. If we can go off the record very briefly 6 before I pass the witness just to make sure I didn't 7 miss anything. Five minutes. 8 MS. LINDAUER: Okay. That's fine. 9 THE VIDEOGRAPHER: We're off the record. 10 The time is 5:00. 11 (Recess 5:00 to 5:06.) 12 THE VIDEOGRAPHER: We're back on the 13 record. The time is 5:06. 14 MR. UNIS: Mr. Ali, I appreciate your 15 time and your patience with me today, working through 16 our various technical issues as well under these 17 unusual circumstances, but that's all I've got today 18 and I'll pass the witness. 19 MS. LINDAUER: For the record, Joyce 20 Lindauer for A-Z and also Mr. Ali and we'll reserve 21 our questions until the time of trial. Thank you. 22 THE VIDEOGRAPHER: The deposition is 23 complete. Will counsel please state all stipulations 24 with regard to custody of transcript, exhibits, and 25 any other pertinent matters?</p>
<p>144 because of failure of consideration related to the 145 credit agreement caused by Harrison's transferring 146 shipping and distribution to Imperial. Did I read 147 that correctly? 148 A. Yes. 149 Q. Okay. And the only factual basis you have 150 for this transfer of shipping distribution to Imperial 151 is the checks you signed; is that right? 152 A. Yes. 153 Q. Nothing else? 154 A. No. 155 Q. Paragraph 43, plaintiff's original complaint 156 is barred in whole or in part because any conduct by 157 defendants was ratified, consented to and/or 158 acquiesced by plaintiff. Did I read that correctly? 159 A. Yes. 160 Q. What conduct, if you know, do you contend 161 Harrison consented to? 162 A. I don't know. 163 Q. You don't know. Okay. Then paragraph 44, so 164 it's the next page, page 7, any and all conduct of 165 which plaintiff complains or which is attributed to 166 defendants was a just and proper exercise of its 167 management discretion. Did I read that correctly? 168 A. Yes.</p>	<p>174</p> <p>1 MS. LINDAUER: Say again what you want us 2 to do. I'm sorry. 3 THE VIDEOGRAPHER: The deposition is 4 complete. Will counsel please state all stipulations 5 with regard to custody of transcript, exhibits and any 6 other pertinent matters. 7 MS. LINDAUER: I guess transcripts will 8 be held by you I guess. What do you deliver? Just 9 like normal, right? You deliver a copy of the 10 transcript and exhibits to counsel? 11 THE REPORTER: Yeah, basically do you 12 want to read and sign? 13 MS. LINDAUER: Yes, sure. That will 14 work. 15 THE REPORTER: Okay. 16 THE VIDEOGRAPHER: We're off the record. 17 The time is 5:07. 18 (Deposition concluded at 5:07 p.m.) 19 20 21 22 23 24 25</p>

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<p style="text-align: right;">177</p> <p>1 CHANGES AND SIGNATURE 2 WITNESS NAME: BARKAT G. ALI JANUARY 5, 2021 3 PAGE LINE CHANGE REASON 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 _____ 21 _____ 22 _____ 23 _____ 24 _____ 25 _____</p>	<p style="text-align: right;">179</p> <p>1 STATE OF TEXAS) 2 COUNTY OF DALLAS) 3 I, Audra B. Paty, Certified Shorthand 4 Reporter, in and for the State of Texas, certify that 5 the foregoing deposition of BARKAT G. ALI was reported 6 stenographically by me at the time and place 7 indicated, said witness having been placed under oath 8 by me; that review was requested pursuant to Federal 9 Rule of Civil Procedure 30(e)(1); and that the 10 deposition is a true record of the testimony given by 11 the witness. 12 I further certify that I am neither counsel 13 for nor related to any party in this cause and am not 14 financially interested in its outcome. 15 Given under my hand on this the 11th day of 16 January, 2021. <i>Audra B. Paty</i> 17 Audra B. Paty, Certified 18 Shorthand Reporter No. 5987 19 Dickman Davenport, Inc. 20 Firm Registration #312 21 4228 North Central Expressway 22 Suite 101 23 Dallas, Texas 75206 24 214.855.5100 800.445.9548 25 e-mail: abp@ dickmandavenport.com 26 My commission expires 10-31-22 27 Time used by each party: 28 Mr. Joseph Anthony Unis, Jr. - 5:13 29 Ms. Joyce W. Lindauer - 0:00</p> <p style="text-align: right;">178</p> <p>1 I, BARKAT G. ALI, have read the foregoing 2 deposition and hereby affix my signature that same is 3 true and correct, except as noted above. 4 5 _____ 6 7 8 9 10 THE STATE OF _____) 11 COUNTY OF _____) 12 Before me, _____, on this 13 day personally appeared BARKAT G. ALI, known to me (or 14 proved to me under oath or through _____) 15 (description of identity card or other document) to be 16 the person whose name is subscribed to the foregoing 17 instrument and acknowledged to me that they executed 18 the same for the purposes and consideration therein 19 expressed. 20 Given under my hand and seal of office this 21 _____ day of _____, 2021. 22 23 24 _____ 25 NOTARY PUBLIC IN AND FOR 26 THE STATE OF _____ 27 My commission expires: _____</p>
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